

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN SHEK,

No. C 11-00212 WHA

Plaintiff,

v.

**ORDER GRANTING DEFENDANT'S
MOTION TO ENLARGE TIME FOR
DISCOVERY AND DENYING
PLAINTIFF'S MOTION TO
COMPEL INITIAL DISCLOSURES**

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS,
REGION 32, and CALIFORNIA NURSES
ASSOCIATION C.H.E.U.,

Defendants.

Defendants California Nurses Association, C.H.E.U., and National Labor Relations Board, Region 32, are moving to dismiss plaintiff's complaint (Dkt. Nos. 19 and 23). Meanwhile, plaintiff is moving to stay proceedings and for leave to amend the complaint. When plaintiff failed to oppose defendants' motions, however, an order to show cause issued that called for plaintiff to respond by April 22 and show cause for his failure to respond to the motions. The order to show cause also vacated a case management conference, so no hearings are pending in this matter, and we are waiting on plaintiff to respond to the order to show cause.

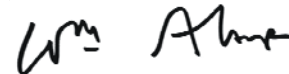
Now plaintiff moves to compel initial disclosures by defendants, and defendant National Labor Relations Board, Region 32, moves to "enlarge time for discovery." It seems that the Board is concerned primarily with the deadline for initial disclosures under FRCP 26. The Board argues that discovery should be stayed until two weeks after an order resolves defendants'

1 dispositive motions. Plaintiff's motion argues that defendants should comply with procedural
2 rules and make their initial disclosures.

3 Normally, motion practice and a state of unresolved pleadings are not a reason to delay
4 initial disclosures and other discovery. In this case, however, plaintiff failed to oppose
5 defendants' motions and we are waiting to see whether he will respond to the order to show
6 cause. Therefore, discovery shall be stayed in this action until two weeks after an order sets a
7 case management conference, which will depend on whether this action is to proceed after a
8 response from plaintiff.

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10 **IT IS SO ORDERED.**

11 Dated: April 11, 2011.



12 WILLIAM ALSUP
13 UNITED STATES DISTRICT JUDGE
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